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REMARKS

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Claims 1-2, and 4-42 are now pending in the application. Claim 3 has been cancelled herein without prejudice. Claims 1, 4, 15, 19, 20, 23, 24, 29, 33, and 42 have been amended herein. Claim 43 has been added herein. No new matter has been introduced by the amendments. Favorable reconsideration of the application, as amended, is respectfully requested.

I. OBJECTION TO CLAIM 29

Claim 29 stands objected due to an informality. Claim 29 has been amended herein to correct a typographical error. Withdrawal of the objection is respectfully requested.

II. REJECTIONS OF CLAIM 19 UNDER 35 U.S.C. § 112

Claim 19 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claim 19 has been amended herein to correct a typographical error. Withdrawal of the rejection is respectfully requested.

III. REJECTIONS OF CLAIMS 1-42 UNDER 35 U.S.C. §§ 102(e) AND 103

Claims 1-16, 18-24, 26-38, and 40-42 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,665,304 (Beck). Claims 17, 25, and 39 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over a combination of the Beck patent and RFC 2225 Classical IP and ARP over ATM (RFC 2225). Applicant believes that all pending claims are allowable over the cited art for at least the following reasons. Withdrawal of the rejections is respectfully requested.

Independent claims 1, 15, 20, 23, 24, 33, and 42 have been amended herein to recite that "the server is an ATM server in the ATM network." This limitation was originally recited in claim 3. Thus, no new matter has been introduced by the amendments.

In rejecting original claim 3, the Action relies on column 10, lines 63-66 of Beck, which is the only location in Beck to mention ATM. The Action seems to assert that the network router 25 of Beck is an ATM server in the ATM network as claimed. However, the cited portion of the Beck patent merely describes that RPCs (Remote Procedure Calls) are issued over a high-speed communications interface (e.g., ATM) which connects the processor nodes (e.g., 10a-10c) within the cluster 24. Nothing in the Beck patent suggests that the router 25, which is outside of the cluster 24 and which the Action treats as the claimed server, is an ATM server. Therefore, independent claims are believed to be allowable over the cited art.

Regarding claim 5, the Action cites column 11, line 30 - column 12, line 13 of the Beck patent. Claim 5 recites that "the ATM server can form virtual connections with each member of the standby group using an ARP protocol." The cited portion used in rejecting claim 5 suggests use of an ARP protocol. However, column 11, lines 53-58 of Beck specifies that "all traffic ... are initially delivered to one cluster node ..." In other words, the ARP function in Beck is achieved by a cluster member (e.g., the processor node A), not the network router 25. Therefore, claim 5 is believed to be allowable over the art in this regard as well.

New claim 43 recites that "each of the ATM network devices is a router or a bridge." Support for addition of claim 43 is found at, for example, page 4, lines 21-26 of the present specification. No new matter has been introduced by the amendment. This is not taught or obvious from a combination of Beck and RFC 2225 because nothing in the references suggests that a cluster member (e.g., the processor node A shown in FIG. 7 of Beck) is a router or a bridge. Rather, cluster members in Beck are merely processor nodes which appear as a single processor node for providing applications to clients. It is respectfully submitted that a processor node in the cluster 24 of Beck is not capable of functioning as a router or a bridge as claimed. Therefore, claim 43 is believed to be allowable over the art.

RFC 2225 has been reviewed and found not to cure the deficiencies of the Beck patent. In view of the foregoing, the invention of the independent claims and their dependent claims is believed to be patentable over the cited art. Withdrawal of the rejections is respectfully requested.

IV. CONCLUSION

Applicant believes that all pending claims are in condition for allowance, and respectfully requests a Notice of Allowance at an early date. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 510-663-1100.

Respectfully submitted,
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